

SDNY (Rev. 10/2006) Pro Hac Vice Motion to Admit Counsel

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Alternative Care Systems,
Inc., d/b/a Access Nursing
Services

Plaintiff,

- against -

Access Nurses, Inc.

Defendant.

7 cv 10537 CSH()

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Daniel P. Waxman a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Scott R. Mosko
Firm Name: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Address: 3300 Hillview Avenue
City/State/Zip: Palo Alto, California 94304
Phone Number: (650) 849-6600
Fax Number: (650) 849-6666

Scott R. Mosko
California

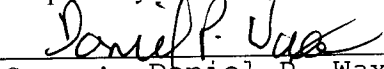
is a member in good standing of the Bar of the States of

There are no pending disciplinary proceeding against Scott R. Mosko in any State or Federal court.

Dated: **2/6/08**

City, State: **New York, New York**

Respectfully submitted,


Sponsor's Daniel P. Waxman
SDNY Bar DW 0599

Firm Name: Bryan Cave, LLP
Address: 1290 Avenue of the Americas
City/State/Zip: New York, NY 10104
Phone Number: 212/541-2000
Fax Number: 212/541-4630

**UNITED STATES DISTRICT
SOUTHERN DISTRICT OF NEW YORK**

Alternative Care Systems, Inc., d/b/a
Access Nursing Services,

Plaintiff,

-against-

Access Nurses, Inc.,

Defendant.

Case No. 7 cv 10537 (CSH)

Affidavit of Daniel P. Waxman
In Support of Motion to Admit
Counsel Pro Hac Vice

State of New York)
) ss:
County of New York)

Daniel P. Waxman , being duly sworn, hereby deposes and says as follows:

1. I am a partner at Bryan Cave LLP, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Scott R. Mosko as counsel pro hac vice to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in May 1993. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known Scott R. Mosko since 2007.
4. Scott R. Mosko is a partner at Finnegan, Henderson, Farabow, Garrett & Dunner LLP, in Palo Alto, California.
5. I have found Mr. Mosko to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of Scott R. Mosko, pro hac vice.
7. I respectfully submit a proposed order granting the admission of Scott R. Mosko, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Scott R. Mosko, pro hac vice, to represent Plaintiff in the above captioned matter, be granted.

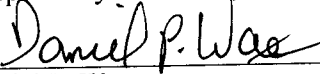
Dated: 2/6/08

City, State: New York, New York

Notarized:


JEAN KELLER
Notary Public, State of New York
No. 01KE4771140
Qualified in Queens County
Certificate Filed in New York County
Commission Expires Oct. 31, 2011

Respectfully submitted,


Daniel P. Waxman
SDNY Bar Code: (DW 0599)

Certificate of Good Standing

United States District Court)

) ss.

Northern District of California)

I, Richard W. Weiking, Clerk of the United States District Court for the Northern District of California, do hereby certify that Scott Richard Mosko, Bar No. 106070 was duly admitted to practice in said Court on November 15, 1984, and is in good standing as a member of the bar of said Court.

Dated at San Francisco on January 25, 2008

Richard W. Weiking
Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Alternative Care Systems, Inc., Plaintiff,
d/b/a Access Nursing Services

7 cv 10537 ()

- against -

Access Nurses, Inc. Defendant.

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Daniel P. Waxman attorney for Access Nursing Services
and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: Scott R. Mosko
Firm Name: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Address: 3300 Hillview Avenue
City/State/Zip: Palo Alto, California 94304
Telephone/Fax: (650) 849-6600
Email Address: scott.mosko@finnegan.com

is admitted to practice pro hac vice as counsel for Access Nursing Services in the above
captioned case in the United States District Court for the Southern District of New York. All attorneys
appearing before this Court are subject to the Local Rules of this Court, including the Rules governing
discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall
immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice
fee to the Clerk of Court.

Dated:
City, State:

United States District/Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Alternative Care Systems, Inc., d/b/a Access Nursing Services	Plaintiff,	:	7 Cv 10537 (CSH)
- against -	:	:	MOTION TO ADMIT COUNSEL
	:	:	PRO HAC VICE
Access Nurses, Inc.	Defendant.		

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STATE OF NEW YORK)
 :ss.:
COUNTY OF NEW YORK)

Mary Lofaro, being duly sworn, deposes and says that deponent is not a party to this action, is over 18 years of age and resides in Brooklyn, New York.

That on February 7, 2008, deponent served a copy of the within MOTION TO ADMIT COUNSEL PRO HAC VICE upon:

Access Nurses, Inc.
5935 Cornerstone Court West
San Diego, CA 92121

Finnegan, Henderson, Farabow, Garrett & Dunner LLP
Attn: Scott R. Mosko
3300 Hillview Avenue
Palo Alto, CA 94304

Duane Morris LLP
1540 Broadway
New York, NY 10036-4086

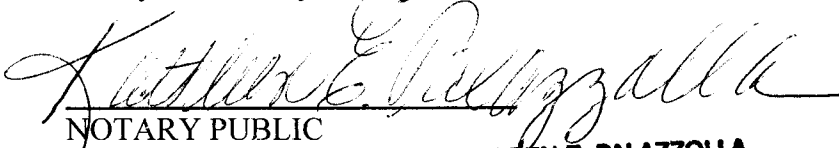
Finnegan, Henderson, Farabow, Garrett & Dunner LLP
Attn: Michael C. Elmer
3300 Hillview Avenue
Palo Alto, CA 94304

the address[es] designated by said attorney[s] for that purpose by depositing a true copy of same enclosed in a first class postpaid properly addressed wrapper, in a post office or an official depository under the exclusive care and custody of the United States Postal Service within New York State.



Mary Lofaro

Sworn to before me this
7th day of February, 2008.



NOTARY PUBLIC

KATHLEEN E. PALAZZOLLA
NOTARY PUBLIC, State of New York
No. 43-4503546 Qual. in Rich. Co.
Certificate Filed in New York County
Commission Expires Jan. 31, 2011

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Alternative Care Systems,
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Plaintiff,

- against -

Access Nurses, Inc.

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7 cv 10537 CSH()

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

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Applicant's Name: Michael C. Elmer
Firm Name: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Address: 3300 Hillview Avenue
City/State/Zip: Palo Alto, California 94304
Phone Number: (650) 849-6600
Fax Number: (650) 849-6666

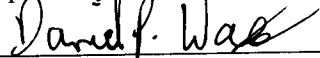
Michael C. Elmer is a member in good standing of the Bar of the States of California; District of Columbia; and Wisconsin.

There are no pending disciplinary proceeding against Michael C. Elmer in any State or Federal court.

Dated: **2/6/08**

City, State: **New York, New York**

Respectfully submitted,



Sponsor's Daniel P. Waxman
SDNY Bar DW 0599

Firm Name: Bryan Cave LLP
Address: 1290 Avenue of the Americas
City/State/Zip: New York, NY 10104
Phone Number: 212/541-2000
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**UNITED STATES DISTRICT
SOUTHERN DISTRICT OF NEW YORK**

Alternative Care Systems, Inc., d/b/a
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Plaintiff,

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Affidavit of Daniel P. Waxman
In Support of Motion to Admit
Counsel Pro Hac Vice

State of New York)
) ss:
County of New York)

Daniel P. Waxman , being duly sworn, hereby deposes and says as follows:

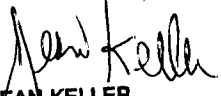
1. I am a partner at Bryan Cave LLP, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Michael C. Elmer as counsel pro hac vice to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in May 1993. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
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4. Michael C. Elmer is a partner at Finnegan, Henderson, Farabow, Garrett & Dunner LLP, in Palo Alto, California.
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7. I respectfully submit a proposed order granting the admission of Michael C. Elmer, pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Michael C. Elmer, pro hac vice, to represent Plaintiff in the above captioned matter, be granted.

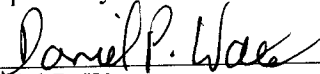
Dated: 2/6/08

City, State: New York, New York

Notarized:


JEAN KELLER
Notary Public, State of New York
No. 01KE4771140
Qualified in Queens County
Certificate Filed in New York County
Commission Expires Oct. 31, 2011

Respectfully submitted,


Daniel P. Waxman
SDNY Bar Code: (DW 0599)



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

January 28, 2008

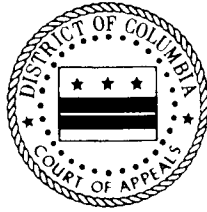
TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MICHAEL CARLTON ELMER, #060366 was admitted to the practice of law in this state by the Supreme Court of California on December 20, 1974; that from the date of admission to March 19, 1984, he was an ACTIVE member of the State Bar of California; that on March 19, 1984, he transferred at his request to the INACTIVE status as of January 1, 1984; that from that date to June 30, 1992, he was an INACTIVE member of the State Bar of California; that on June 30, 1992, he transferred at his request to the ACTIVE status; that he has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert

Custodian of Membership Records



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia
Court of Appeals, do hereby certify that

Michael C. Elmer

was on the 7th day of May, 1975

duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on January
29, 2008.

GARLAND PINKSTON, JR., CLERK

By: *Michael C. Elmer*
Deputy Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Alternative Care Systems, Inc.,
d/b/a Access Nursing Services

Plaintiff,

7 cv 10537 CSH ()

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IT IS HEREBY ORDERED that

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Firm Name: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
Address: 3300 Hillview Avenue
City/State/Zip: Palo Alto, California 94304
Telephone/Fax: (650) 849-6600
Email Address: michael.elmer@finnegan.com

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fee to the Clerk of Court.

Dated:
City, State:

United States District/Magistrate Judge

